IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Crl.MC.No. 3600 of 2007()

AGAINST THE ORDER DATED 24/11/2007 IN CRMP. 5439 /2007 IN CRA.763/2007 of SESSIONS COURT, ERNAKULAM

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PETITIONER: PETITIONER/APPELLANT:

HAMZA @ AADU HAMZA, AGED 54 YEARS,
S/O.ADIMAKUNJU, H NO.VII/902, MOITHEEN HOUSE,
MAMMUSURKA PALLI PARAMBU, MATTANCHERRY KARA,
MATTANCHERRY VILLAGE.

BY ADV. SRI.ASHIK K.MOHAMMED ALI
SRI.NAVEEN THOMAS

RESPONDENTS: RESPONDENT/RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE SUB INPECTOR OF POLICE, MATTANCHERRY, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3600 of 2007

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Dated this the 3rd day of December, 2007

O R D E R

The petitioner faced indictment in a prosecution under the N.D.P.S. Act. He was found guilty, convicted and sentenced. He preferred an appeal. In the appeal, execution of the sentence was suspended, inter alia, on condition that he deposits half the fine amount of Rs.10,000/- The petitioner has therefore got to remit an amount of Rs.5,000/- now. He has come to this Court complaining that the condition imposed is onerous. He is unable to raise the said amount. If the said condition were rigidly insisted, the petitioner will have to face the predicament of undergoing the sentence even before his appeal is disposed of on merits. I find absolutely nothing onerous in the condition imposed.

2. I am satisfied that a time limit can be prescribed for payment of the amount. The learned counsel for the petitioner offers to remit an amount of Rs.1,000/- on or before 3.1.2008.

The petitioner is granted one months further time till 3.2.2008 to make the balance amount. In case the petitioner is not able to raise the balance amount, he may, while remitting the amount of Rs.1,000/- on or before 3.1.08, make a request to the learned Sessions Judge for expeditious disposal of the appeal and in such event, the learned Sessions Judge shall ensure that the appeal is disposed of before 3.2.2008.

3. With the above observations, this Crl.M.C. is dismissed.

(R. BASANT)
Judge

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